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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,503	11/20/2001	Scott B. Heintzeman	8477.99USC2	9964

7590 10/17/2005  
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EXAMINER

LASTRA, DANIEL

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/991,503

Applicant(s)

HEINTZEMAN ET AL.

Examiner

DANIEL LASTRA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08/08/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 41-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 41-63 have been examined. Application 09/991,503 (Computerized apparatus and method for awarding credits to persons for travel related purchases) with a filing date 11/20/01 is a continuation of 09/598,586, which is continuation of 08/892,563 (Pat. 6,631,355), which is a continuation 08/439,626, which is a continuation of 08/385,381 (Pat. 5,483,444), which is a continuation of 08/143,453 (10/26/1993).

### *Response to Amendment*

2. In response to Final Rejection filed 02/08/2005, the Applicant filed an RCE, which amended claims 41, 47, 53, 59 and 62.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 41-53 and 55-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al (U.S. 5,331,546) in view of the article Which Frequent-Flier Program? (Airlines promise free travel, but their delivery record has been spotty. We identify the better programs.) Consumer Reports Travel Letter: vol6, no. 10, pp 112-116, October 1990. (Dialog file 646; #00500249).

As per claim 41, Webber teaches:

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A computerized incentive system for awarding credits to persons who book travel-related reservations, the system comprising:

- (a) a computerized reservation system connected to a network;
- (b) an interface device connected to the network and configured so that a user of the interface device has access to the computerized reservation system (see column 4, lines 5-25);
- (c) a reservation facility computer system connected to the network and thereby accessible to the user accessing the computerized reservation system, the reservation facility computer system configured so that the user may book a travel-related reservation (see column 6, line 65 – column 7, line 3; column 16, line 42 – column 17, line 5)
- (d) *a conversion system connected to the network configured to facilitate communications between the computerized reservation system and the computerized system (see figure 1, item 26; see column 16, lines 41-60);*

Webber fails to teach:

- (e) an award system connected to the network, the award system being configured to receive data concerning the travel-related reservation, wherein the award system assigns credits to a person for whom the travel-related reservation has been booked upon verification that an event relating to the travel-related reservation has occurred. However, the article Which Frequent-Flier Program discloses about frequent-flier programs where people can earn credits in various ways, such as flying, staying at hotels, renting cars and use it for variety of awards (see paragraphs 5, 6, 9, 11, 17 and

47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the Webber's system would use the travelers' frequent flier numbers (see Webber column 17, lines 15-20; figure 8B, item 326) to provide said travelers with offers or awards from different service providers which have frequent fliers programs, as taught by the Frequent-Flier program (see Frequent flier paragraph 54; "car rental", "Hotel"). The Webber's system would be motivated to link his system to the frequent flier programs of different service providers in order to allow frequent flier members to use the Webber's system to find not only an itinerary-with-fare combinations acceptable in terms of cost and convenience to said members but also the travel offers that let said members earn the most credits and/or awards in various way (i.e. such as flying, staying at hotels, renting cars, etc).

As per claim 42, Webber teaches:

The award system of claim 41 wherein the data concerning the travel related reservation includes a code identifying the person for whom the travel related reservation is booked (see column 4, lines 9-25; column 6, lines 1-5).

As per claim 43, Webber teaches:

The award system of claim 41 but fails to teach further configured to determine the total credits previously awarded to the person for whom the travel-related reservation is booked and add the credits assigned to the credits previously awarded thereby creating a cumulative credit total that is stored in the award system. However, the article Which Frequent-Flier Program teaches a frequent-flier award system that keeps a running account of the miles earn (see paragraph 11). Therefore, it would have

been obvious to a person of ordinary skill in the art at the time the application was made, to know that a costumer would use the Webber computerized system to book travel reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for miles flown or purchases made through partners airlines, car-rental companies, hotel chains, and credit-cards. The earn credits would be accumulated in an account for the purpose of redeeming them for awards.

As per claim 44, Webber teaches:

The award system of claim 41 but fails to teach wherein the event occurrence to be verified is the fulfillment of the travel-related reservation. However, the article Which Frequent-Flier Program teaches a frequent-flier program where credits are earned by fulfillment of the travel-related reservation (see paragraph 9). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a costumer would use the Webber computerized system to book travel reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for miles flown or purchases after is verified the travel-related reservation was fulfilled. The system has to verify if the travel-related reservation was fulfilled because there is no point of giving credits to persons that cancel the reservation.

As per claim 45, Webber teaches:

The award system of claim 44 but fails to teach wherein the fulfillment of the travel-related reservation is accomplished by a stay in and check-out of the facility for

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which the travel-related reservation had been booked. However, the article Which Frequent Flier Program teaches a frequent-flier program that grants credits per hotel stay (see paragraph 18). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a costumer would use the Webber computerized system to book travel reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for stays in hotels. The purpose of the award system is to be an incentive for travelers to use the services of the companies that sponsors the frequent-flier program. The system would be useless if it gives credits to persons that cancel the reservations.

As per claim 46, Webber teaches:

The award system of claim 45 wherein the fulfillment of the reservation is performed by the person for whom the travel-related reservation has been booked (see column 4, lines 9-25).

As per claim 47, Webber teaches:

A computer implemented method of awarding credits to persons who book travel-related reservations, the method comprising:

(a) transmitting travel-related reservation information from a user via an interface device connected to a network to a computerized reservation system connected to the network (see column 4, lines 9-25);

(b) *converting the travel-related reservation information into a format acceptable by a selected reservation facility computer system* (see column 16, lines 41-60);

(c) communicating the travel-related reservation information to a reservation facility computer system connected to the network (see column 4, lines 9-25).

Webber fails to teach:

(d) communicating the travel-related reservation information to an awards system, wherein the awards system processes the travel-related reservation information and awards credits to persons for whom the travel-related reservation have been booked upon the awards system verifying that an event relating to the travel-related reservation booked has occurred. However, the article Which Frequent-Flier Program discloses about frequent-flier programs where people can earn credits in various ways, such as flying, staying at hotels, renting cars and use it for variety of awards (see paragraphs 5, 6, 9, 11, 17 and 47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the Webber's system would use the travelers' frequent flier numbers (see Webber column 17, lines 15-20; figure 8B, item 326) to provide said travelers with offers or awards from different service providers which have frequent fliers programs, as taught by the Frequent-Flier program (see Frequent flier paragraph 54; "car rental", "Hotel"). The Webber's system would be motivated to link his system to the frequent flier programs of different service providers in order to allow frequent flier members to use the Webber's system to find not only an itinerary-with-fare combinations acceptable in terms of cost and convenience to said members but also the travel offers that let said members earn the most credits and/or awards in various way (i.e. such as flying, staying at hotels, renting cars, etc).



As per claim 48, Webber teaches:

The computer implemented method of claim 47 but fails to teach wherein the act of processing the travel related reservation information includes processing of data representing the revenue generated from the travel-related reservation and calculating credits to be awarded based on the revenue generated from the travel-related reservation. However, the article Which Frequent-Flier Program discloses about frequent-flier programs where people earn credits in various ways, such as flying, staying at hotels, renting cars and use it for variety of awards (see paragraphs 5, 6, 9, 11, 17 and 47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a costumer would use the Webber computerized system to book travel reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for miles flown or purchases made through partners airlines, car-rental companies, hotel chains, and credit-cards. The awarding of credits for travel-related purchases would help customers lower their travel-related expenses.

As per claim 49, Webber fails to teach:

The computer implemented method of claim 47 wherein the act of processing the travel-related reservation information includes determining the type and length of the travel related reservation and assigning a predetermined number of credits based on the type and length of the travel-related reservation. However, the article Which Frequent-Flier teaches a system that assigns a predetermined number of credits based on the type and length miles flown or Hotel stay (see paragraphs 9 and 18). Therefore,

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it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a costumer would use the Webber computerized system to book travel-related reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for miles flown or purchases made through partners airlines, car-rental companies, hotel chains, and credit-cards. The awarding of credits for travel-related purchases would help customers lower their travel expenses.

As per claim 50, Webber teaches:

The computer implemented method of claim 47 wherein the data concerning the travel-related reservation includes a code identifying the person for whom the travel related reservation is booked (see column 4, lines 5-25).

As per claim 51, Webber fails to teach:

The computer implemented method of claim 47 wherein the event occurrence to be verified is the fulfillment of the travel-related reservation. However, the article Which Frequent-Flier teaches a system that assigns a predetermined number of credits based on the type and length miles flown or Hotel stay (see paragraphs 9 and 18). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a costumer would use the Webber computerized system to book travel reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for miles flown or purchases made through partners airlines, car-rental companies, hotel chains, and credit-cards. It would be obvious that the system would check if the travel-related reservation was

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fulfilled because there would be no purpose of giving a credit award to someone that never bought the travel-reservation. If the system does not verify if the person fulfilled the travel-related reservation then people would receive credits for cancel reservations and would be able to redeem the credits for awards, making the system useless.

As per claim 52, Webber fails to teach:

The computer implemented method of claim 51 wherein the fulfillment of the travel-related reservation is accomplished by a completed stay in a hotel room by the person for whom the travel-related reservation has been made. However, the article Which Frequent-Flier teaches a system that assigns a predetermined number of credits based on the type and length miles flown or Hotel stay (see paragraphs 9 and 18). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a costumer would use the Webber computerized system to book travel reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for miles flown or purchases made through partners airlines, car-rental companies, hotel chains, and credit-cards. The awarding of credits for travel-related purchases would help customers lower their travel expenses.

As per claim 53, Webber teaches:

A computer implemented method of awarding credits to persons completing travel-related purchases, the method comprising:

(a) transmitting a purchaser identification code and travel-related purchase information via an interface *system configured to covert the travel-related purchase*

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*information into a reservation system format of a selected reservation system, said interface system connected to a network to an award system connected to the network upon the completion of a travel related purchase (see column 4, lines 9-25);*

Webber fails to teach:

(b) processing of the travel-related purchase information by the award system to verify that the travel-related purchase is complete and calculate the credits to be assigned to the person completing the travel-related purchase; and

(c) assigning the calculated credits to the person completing the travel-related purchase, wherein the credits assigned may be exchanged for an award.

However, the article Which Frequent-Flier Program discloses about frequent-flier programs where people can earn credits in various ways, such as flying, staying at hotels, renting cars and use it for variety of awards (see paragraphs 5, 6, 9, 11, 17 and 47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the Webber's system would use the travelers' frequent flier numbers (see Webber column 17, lines 15-20; figure 8B, item 326) to provide said travelers with offers or awards from different service providers which have frequent fliers programs, as taught by the Frequent-Flier program (see Frequent flier paragraph 54; "car rental", "Hotel"). The Webber's system would be motivated to link his system to the frequent flier programs of different service providers in order to allow frequent flier members to use the Webber's system to find not only an itinerary-with-fare combinations acceptable in terms of cost and convenience to said

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members but also the travel offers that let said members earn the most credits and/or awards in various way (i.e. such as flying, staying at hotels, renting cars, etc).

As per claim 55, the computer implemented method of claim 53, contains the same limitation as claim 48 therefore the same rejection is applied.

As per claim 56, the computer implemented method of claim 53, contains the same limitation as claim 49 therefore the same rejection is applied.

As per claim 57, the computer implemented method of claim 53, contains the same limitations as claim 45 therefore the same rejection is applied.

As per claim 58, the computer implemented method of claim 53, contains the same limitations as claim 46 therefore the same rejection is applied.

As per claim 59, Webber teaches:

A computerized incentive system for awarding credits to persons who book travel-related reservations, the system comprising:

(a) an interface *system* connected to the network (see column 4, lines 9-25) *wherein said interface system is configured to convert reservation information into a reservation facility data format of a designated reservation facility* (see column 16, lines 42-55);

(b) a reservation facility computer system connected to the network and configured so that a user of the interface device may access the reservation facility computer system to book a travel-related reservation (see column 4, lines 9-25).

Webber fails to teach:

(c) an award system connected to the network, the award system being configured to receive data concerning the travel-related reservation, wherein the award system assigns credits to a person for whom the travel-related reservation has been booked, the award system being further configured to verify fulfillment of the travel-related reservation and decrement credits previously assigned to the person for travel-related reservations that are not fulfilled. However, the article Frequent-Flier teaches a frequent-flier system that keeps a running account of the miles earned and credits and decrements credits from the user's account accordingly (see paragraph 11). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a customer would use the Webber computerized system to book travel reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for miles flown or purchases made through partners airlines, car-rental companies, hotel chains, and credit-cards. The awarding of credits for travel-related purchases would help customers lower their travel expenses. It would be obvious that the system would check if the travel-related reservation was fulfilled because there would be no purpose of giving a credit award to someone that never bought the travel-reservation. If the system does not verify if the person fulfilled the travel-related reservation then people would receive credits for cancel reservations and would be able to redeem the credits for awards, making the system useless.

As per claim 60, Webber teaches:

The computerized incentive system of claim 59 including a computerized reservation system connected to a network for communicating travel related reservations to the reservation facility computer system (see column 4, lines 9-25).

As per claim 61, the award system of claim 59 contains the same limitation as claim 59 therefore the same rejection is applied.

Claim 62 contains the same limitations as claims 41 and 44 therefore the same rejection is applied.

Claim 63 contains the same limitation as claim 59 therefore the same rejection is applied.

Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al (U.S. 5,331,546) in view of the article Which Frequent-Flier Program and further in view of Goheen (U.S. 6,094,640).

As per claim 54, Webber fails to teach:

The computer implemented method of claim 53 wherein the interface device is connected to the network via a wireless connection. However, Goheen teaches about a mobile airline communication system that provides validation of a travel reservation and payment to an airline employee (see abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Webber would give users access to the reservation system via wireless connection, as taught by Goheen. This feature would permit a user to check the status of his or her travel reservation no matter where he or she may be located.

***Response to Arguments***

4. Applicant's arguments filed 08/08/2005 have been fully considered but they are not persuasive. The Applicant argues that there is no teaching, motivation or suggestion in the Webber patent or in Which Frequent flier program that the references can be combined. The Applicant further argues that one cannot use hindsight reconstruction to pick and choose among isolated disclosure in the prior art to deprecate the claimed invention. The Examiner answers that it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, **and does not include knowledge gleaned only from the applicant's disclosure**, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Webber discloses a system that finds itinerary-with-fare combinations acceptable in terms of cost and convenience to a traveler and also a system which requests the traveler's frequent flier number before selected itinerary can be booked (i.e. the flight can be sold") (see Webber column 6, lines 64-67; column 17, lines 15-30). Therefore, the Webber's system would be motivated to link his system to the frequent flier programs of different service providers in order to allow frequent flier members to use the Webber's system to find not only an itinerary-with-fare combinations acceptable in terms of cost and convenience to said members but also the travel offers that let said members earn the most credits and/or awards in various way (i.e. such as flying, staying at hotels, renting cars, etc).



The Applicant argues that Webber fails to disclose a reservation facility computer system that is separate and distinct from a computerized reservation system. The Examiner answers that Webber teaches in column 6, line 64 – column 7, line 3; column 16, lines 41-67 that the selected itinerary can be booked (the flights can be “sold”) through the airline reservation system (i.e. Apollo; “computerized reservation system”) with processor 18 automatically carrying out the steps which a travel agent would carry to book an itinerary on a system such as Apollo, and a ticket can be issued at a printer at a entry device if the device is operated by a **facility authorized to issue tickets** (i.e. reservation facility computer”). Webber teaches that the airline reservation system (i.e. Apollo and processor 18; computerized reservation system) has the function of checking for seat availability and itineraries (see Webber column 9, lines 44-50), however, the facilities authorized to issue tickets are the reservation facilities (i.e. Hotel computer, airline or airport computer; car rental computer) and which are independent to the computerized reservation system (i.e. Apollo; see figure 8A). For example, suppose that the Webber system displays to a traveler six chosen flights by departure time, as shown in column 19, lines 35-45 and suppose said traveler purchases flight 212 (AA-American Airlines) and also selects to pick up the purchase ticket at the airport from which said traveler will be leaving (i.e. JFK; see Webber column 17, lines 1-3; “as long the traveler is not charging the trip to someone else”). Therefore, it would be obvious to a person of ordinary skill in the art at the time the application was made, to know that said traveler would need to go to the American airline reservation facility computer (i.e. American Airline front desk) located in the JFK airport to be able to obtain

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said ticket, as said reservation facility computer (i.e. American Airline front desk) would be the only one authorized in said airport to issue said American Airline's ticket (see Webber column 16, line 41 – column 17, line 5).

**Conclusion**

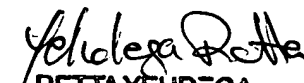
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The Examiner's Right fax number is 571-273-6720.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra  
October 8, 2005

  
RETTAYEHDEGA  
PRIMARY EXAMINER